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September 29, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation of
The Performing Arts Wireless Microphone Working Group
In GN Dockets No. 14-166 and 12-268 and ET Docket No. 14-165

Dear Ms. Dortch:

On September 27, 2017, representatives of The Performing Arts Wireless Microphone Working Group (the “Performing Arts Group”) met with Chief Julius Knapp, Paul Murray, and Hugh VanTyl of the Office of Engineering & Technology and Senior Deputy Bureau Chief Nese Guendelsberger, Blaise Scinto, Matt Pearl, John Schauble, and Steve Buenzow of the Wireless Telecommunications Bureau, to discuss The Further Notice of Proposed Rulemaking in the above-cited dockets (the “FNPRM”).¹ The Performing Arts Group representatives were Laurie Baskin, Director of Research, Policy & Collective Action for Theatre Communications Group (“TCG”); Tom Haygood, Director of Production for Shakespeare Theatre Company; Brandon Gryde, Director of Government Affairs for Dance/USA and OPERA America; James Palmarini, Director of Educational Policy of the Educational Theatre Association; Najean Lee, Director of Government Affairs & Education Advocacy of the League of American Orchestras; Michael Lewan, Director of Government Relations of the Recording Academy, and the undersigned, *pro bono* counsel to TCG and the Alliance of Resident Theatres / New York (“ART/NY”).


The Performing Arts Group expressed its appreciation for the proposal to expand eligibility for Part 74 Low Power Auxiliary Station (“LPAS”) licenses contained in the FNPRM. The Group’s respective members have a demonstrable need for high-quality audio, both delivered directly to audiences and through hearing assistance systems in compliance with the Americans with Disabilities Act, and reliable intercom, cue, and control devices to prevent accidents and injuries to backstage personnel, actors, and audience members. The current licensing threshold of 50 wireless microphones in regular use is an ineffective proxy for actual need, which should be based on uses that cannot reasonably be replaced with wired devices or other technology. We provided examples that demonstrated that no new threshold based on the number of wireless devices would be practical.

¹ *Promoting Spectrum Access for Wireless Microphone Operations*, 32 FCC Rcd. 6077, FCC 17-95 (released July 14, 2017).

The Performing Arts Group recommended that instead of expanding the list of types of organizations that would qualify for Part 74 licenses, the Commission should examine demonstrated need and specific criteria. First among these criteria is competent professional audio engineering expertise to handle frequency coordination, database registration, and compliance with Part 74 rules. Because of the wide variety of entities providing professional audio to the public and the desire to balance demonstrated need for wireless microphones with effective management of available spectrum, a case-by-case analysis of license applications may be necessary, but the process could be streamlined with the use of a checklist of qualifications.

The Performing Arts Group intends to file Comments in this proceeding to elaborate on its recommendations and provide additional suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. H. Pawlik", with a stylized, flowing script.

David H. Pawlik
Pro Bono Counsel to TCG and ART/NY

cc: Julius Knapp
Paul Murray
Hugh VanTyl
Nese Guendelsberger
Blaise Scinto
Matt Pearl
John Schauble
Steve Buenzow
Michael Lewan
Najean Lee
James Palmarini
Brandon Gryde
Tom Haygood
Laurie Baskin